IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

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WRIT PETITION NO : 29227 of 1995

Between:

1 Atthoti Chandrasekhara Rao, s/o. Venkateswarlu,
R/o. Vedayyapalem Village, Nellore District.
2 Smt. parvathaneni Anusuyamma, w/o. Raghavaiah,
R/o. Vedayyapalem Village, Nellore District.
3 Smt. Parvathaneni Anantha Krishna Kumari, W/o. Ramakrishna,
R/o. Vedayyapalem Village, Nellore District.
4 Lakshman Singh, s/o. Nathu Singh,
R/o. Zenda Street, Nellore, Nellore District.
5 Karam Singh, s/o. Bol Sing,
R/o. Zenda Street, Nellore, Nellore District.

..... PETITIONERS

AND

1 The Revenue Divisional Officer, Nellore.
2 Special Deputy Tahsildar (Inams), Nellore.
3 The Mandal Revenue officer, Nellore Rural Mandal, Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly in the nature of Writ of Mandamus, declaring that the first respondent has no jurisdiction to conduct Suo-mottu enquiry and revise the order of the second respondent granting ryotwari pattas granted to the petitioners under Sec. 7(2) of A.P. (Andhra Area) Inams Abolition and Conversion into Ryotwari Act, 1956 in respect of the lands situated in Sy.No.3 of Mattempadu Inam Village, Nellore Rural Mandal and further direct the 3rd respondent to issue Patta pass Books to the petitioners with all other consequential benefits attached tot

Ryotwari pattas and pass such other

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the Respondents.: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition is filed seeking a declaration that the first respondent has no jurisdiction to conduct suo motu enquiry and revise the order of the second respondent granting ryotwari pattas to the petitioners under Section 7(2) of A.P. (Andhra Area) Inams Abolition and Conversion in to Ryotwari Act, 1956 (for short the Act) in respect of the lands situated in Sy.No.3 of Mattempadu Inam village and further to direct the third respondent to issue patta pass books to the petitioners with all consequential benefits attached to the Ryotwari pattas.

The facts of the case in nut shell are as follows:

Mattempadu village was an Inam village in the erstwhile Nellore Taluk. The predecessors of the petitioners were in possession and enjoyment of the lands in Sy.No.3 of the said village. Subsequently, the petitioners are in possession and enjoyment of the above said lands. According to the A.P. (Andhra Area) Inams Abolition and Conversion into Ryotwari Act, 1956, the petitioners are entitled for grant of ryotwari patta. On an application made by the petitioners, the second respondent, after conducting enquiry, held that petitioners are entitled for the pattas, and issued proceedings Rc No. IA 6/83 dt. 25-1-1983 and granted ryotwari pattas to them under Section 4 of the said Act. The same were became final since no challenge was made against it. While the matter stood thus, when the first respondent initiated suo-motu enquiry against the grant of ryotwari pattas in respect of lands in Sy.No.3, 300 persons filed W.P.No.3335/84 before this Court. This Court allowed the said writ petition holding that the first respondent has no jurisdiction to conduct suo-motu enquiry. Subsequently, the third respondent informed the petitioners that leaving the writ petitioners in the above writ, the first respondent is going to proceed against them. Since this Court in the above said writ petition held that the first respondent has no revisional powers to initiate suo-motu enquiry, the present action is arbitrary and without jurisdiction. Hence, the writ petition.

Despite service of notice, respondents have filed no counter affidavit.

I have perused the material available on record and the averments. While admitting the writ petition, this Court on 8th March 1996 issued an interim direction to the respondents to consider the cases of the petitioners herein for granting patta pass books in respect of the lands situated in S.No.3 of Mattempadu Inam village of Nellore Rural Mandal, in respect of which Ryotwari pattas were granted to the petitioners. But, the respondents neither filed a counter nor a vacate stay petition challenging the contention of the petitioners. Now, it is the apprehension of the petitioners that the first respondent is initiating suo-motu enquiry against them to revise the order of the second respondent.

In view of the facts and circumstances of the case, I feel, it would suffice, if a direction is given to the respondents to consider the cases of the petitioners for granting patta pass books in respect of the lands in question, if they are still in possession. Hence, the interim direction granted earlier is made absolute.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

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T. MEENA KUMARI, J

07/04/2005

Kvrk

To

1 The Revenue Divisional Officer, Nellore.
2 The Special Deputy Tahsildar (Inams), Nellore.
3 The Mandal Revenue officer, Nellore Rural Mandal, Nellore.

4 Two CCs to GP for Revenue, High Court Buildings, Hyderabad(OUT)

5 2 CD copies.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

*Form-NIC-OGS/WP{**KRD**}*

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 29227 of 1995

07th April 2005